

## REMARKS

Claims 1-2, 4-11 and 13-26 are pending.

### 103 Rejections

In order to establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention (MPEP § 2142). In particular, “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious” (emphasis added) (MPEP § 2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Moreover, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed amendment” (emphasis added) (MPEP § 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

### Claims 1-2, 4-6, 9, 11, 13-15 and 18

The instant Office Actions states that Claims 1-2, 4-6, 9, 11, 13-15 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroon et al. (“Kroon;” U.S. Patent No. 6,366,888) in view of “Multiple Description Coding Using Pairwise Correlating Transforms” by Wang et al. (“Wang”) in further view of Ehrman et al. (“Ehrman;” U.S. Patent Application Publication No. 2002/0040479).

Applicants respectfully agree with the statements in the instant Office Action that Kroon does not teach “encoding an item of content comprising media

data to be streamed to said client into a first multiple description bitstream and into a second multiple description bitstream, ... wherein said client decodes said item of content at a first quality should only said first multiple description bitstream be received at said client, wherein said client decodes said item of content at a second quality should only said second multiple description bitstream be received at said client, and wherein said client decodes said item of content at a quality greater than either of said first or second quality should both said first and said second multiple description bitstreams be received at said client” or “encoding an item comprising media data to be streamed to said client into a first complementary multiple description bitstream and into a second complementary multiple description bitstream, ... wherein said first multiple description bitstream is designed so that said item at a first quality is decoded by said client with only said first multiple description bitstream received at said client, wherein said second multiple description bitstream is designed so that said item at a second quality is decoded by said client with only said second multiple description bitstream received at said client, and wherein said item at a quality greater than said first or second quality is decoded by said client with both said first and said second multiple description bitstreams received at said client,” as recited in independent Claims 1 and 11, respectively.

Wang is cited to overcome this shortcoming. However, for the reasons presented below, Applicants respectfully submit that Kroon and Wang cannot be combined in the manner suggested, because to do so would render one or the other of the references inoperable for its intended purpose, and because it would be necessary to make modifications to those references in order to combine

them in the manner suggested, but those modifications are not taught in the references.

As understood by Applicants, Kroon describes a C-representation that provides a first (minimum) quality and E-representations that contain enhancement information. Importantly, according to Kroon, the E-representations appear to require the C-representation. If Wang teaches that either the first or the second multiple description bitstreams is decodable independent of the other, this would be in direct contrast to the requirements of Kroon, and so Kroon cannot be combined with Wang because to do so would render Kroon inoperable. If, on the other hand, Kroon and Wang are to be combined, then there is no teaching in either Kroon or Wang with regard to how these references can be combined so that Kroon would remain operable if E-representations are received without the C-representation.

Applicants respectfully submit that Ehrman does not overcome the shortcomings of Kroon and Wang. More specifically, Applicants respectfully submit that Ehrman, alone or in combination with Kroon and Wang, does not show or suggest the limitations of independent Claims 1 and 11 cited above. Foremost, Applicants respectfully submit that Ehrman, alone or in combination with Kroon and Wang, does not show or suggest multiple description bitstreams having the characteristics recited in Claims 1 and 11.

Consequently, Applicants respectfully submit that independent Claims 1 and 11 are considered patentable over Kroon, Wang and Ehrman. Because Claims 2, 4-6, 9, 13-15 and 18 depend from either Claim 1 or 11 and contain

additional limitations, these claims are also considered patentable over Kroon, Wang and Ehrman.

In summary, Applicants respectfully submit that the basis for rejecting Claims 1-2, 4-6, 9, 11, 13-15 and 18 under 35 U.S.C. § 103(a) is traversed.

Claims 7-8, 10, 16-17 and 19

The instant Office Actions states that Claims 7-8, 10, 16-17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroon, Wang and Ehrman in view of Gershman et al. ("Gershman;" U.S. Patent No. 6,401,085). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 7-8, 10, 16-17 and 19 is not anticipated nor rendered obvious by Kroon, Wang, Ehrman and Gershman, alone or in combination.

Claims 7-8, 10, 16-17 and 19 are dependent on either independent Claim 1 or 11. As presented above, Applicants respectfully submit that that Kroon, Wang and Ehrman, alone or in combination, do not show or suggest the limitations of Claims 1 and 11 cited above.

Applicants respectfully submit that Gershman does not overcome the shortcomings of Kroon, Wang and Ehrman. More specifically, Applicants respectfully submit that Gershman, alone or in combination with Kroon, Wang and Ehrman, does not show or suggest multiple description bitstreams having the characteristics recited in Claims 1 and 11.

Consequently, Applicants respectfully submit that independent Claims 1 and 11, and that Claims 1 and 11 are considered patentable over Kroon, Wang, Ehrman and Gershman. Because Claims 7-8, 10, 16-17 and 19 depend from Claim 1 or 11 and contain additional limitations, these claims are also considered patentable over Kroon, Wang, Ehrman and Gershman. Also, Applicants respectfully submit that the fact that such a large number of references must be combined in order to meet the claimed invention provides further evidence of the non-obviousness of the present claimed invention.

In summary, Applicants respectfully submit that the basis for rejecting Claims 7-8, 10, 16-17 and 19 under 35 U.S.C. § 103(a) is traversed.

#### Claims 20-22

The instant Office Actions states that Claims 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroon, Wang and Ehrman in view of Krueger et al. ("Krueger," U.S. Patent No. 6,308,222). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 20-22 is not anticipated nor rendered obvious by Kroon, Wang, Ehrman and Krueger, alone or in combination.

By rationale similar to that presented above, Applicants respectfully submit that that neither Kroon nor Wang nor Ehrman nor the combination thereof show or suggest "wherein said client decodes an item of content at a first quality should only said first multiple description bitstream be received at said client, wherein said client decodes said item of content at a second quality should only said second multiple description bitstream be received at said client, and wherein

said client decodes said item of content at a quality greater than either of said first or second quality should both said first and said second multiple description bitstreams be received at said client” as recited in independent Claim 20.

Applicants respectfully submit that Krueger does not overcome the shortcomings of Kroon, Wang and Ehrman. More specifically, Applicants respectfully submit that Krueger, alone or in combination with Kroon, Wang and Ehrman, does not show or suggest the limitations of independent Claim 20 cited above. That is, Applicants respectfully submit that Krueger, alone or in combination with Kroon, Wang and Ehrman, does not show or suggest multiple description bitstreams having the characteristics recited in Claim 20.

Consequently, Applicants respectfully submit that Claim 20 is considered patentable over Kroon, Wang, Ehrman and Krueger. Because Claims 21-22 depend from Claim 20 and contain additional limitations, these claims are also considered patentable over Kroon, Wang, Ehrman and Krueger. Also, Applicants respectfully submit that the fact that such a large number of references must be combined in order to meet the claimed invention provides further evidence of the non-obviousness of the present claimed invention.

In summary, Applicants respectfully submit that the basis for rejecting Claims 20-22 under 35 U.S.C. § 103(a) is traversed.

#### Claims 23-26

The instant Office Actions states that Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroon, Wang, Ehrman and Krueger

in view of Gershman. The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 23-26 is not anticipated nor rendered obvious by Kroon, Wang, Ehrman, Krueger and Gershman, alone or in combination.

Claims 23-26 are dependent on independent Claim 20. As presented above, Applicants respectfully submit that that Kroon, Wang, Ehrman and Krueger, alone or in combination, do not show or suggest the limitations of Claim 20 cited above.

Applicants respectfully submit that Gershman does not overcome the shortcomings of Kroon, Wang, Ehrman and Krueger. More specifically, Applicants respectfully submit that Gershman, alone or in combination with Kroon, Wang, Ehrman and Krueger, does not show or suggest multiple description bitstreams having the characteristics recited in Claim 20.

Consequently, Applicants respectfully submit that Claim 20 is considered patentable over Kroon, Wang, Ehrman, Krueger and Gershman. Because Claims 23-26 depend from Claim 20 and contain additional limitations, these claims are also considered patentable over Kroon, Wang, Ehrman, Krueger and Gershman. Also, Applicants respectfully submit that the fact that such a large number of references must be combined in order to meet the claimed invention provides further evidence of the non-obviousness of the present claimed invention.

In summary, Applicants respectfully submit that the basis for rejecting Claims 23-26 under 35 U.S.C. § 103(a) is traversed.

Conclusions

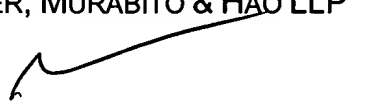
In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-2, 4-11 and 13-26 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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